

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TREVOR KEEGAN,

Petitioner,

v.

ESTELA DERR,

Respondent.

Case No. 2:23-CV-1094-KKE-TLF

**ORDER FOR SERVICE AND
ANSWER, 28 U.S.C § 2254
PETITION**

This is a federal habeas action filed under 28 U.S.C. § 2254. The Court, having reviewed petitioner's federal habeas petition, hereby finds and ORDERS as follows:

(1) The Clerk is directed to issue the Notice of Option of Consent to Magistrate Judge Theresa L. Fricke.

(2) The Clerk shall arrange for service by certified mail upon respondent and upon the Attorney General of the State of Washington, of copies of the petition (Dkt. 3) and of this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

(3) Within **forty-five (45) days** after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District Courts. As part of such answer, respondent(s) shall state whether petitioner has exhausted available state remedies and whether an evidentiary hearing is necessary. Respondent(s) shall not file a dispositive motion in place of an

1 answer without first showing cause as to why an answer is inadequate. Respondent(s)
2 shall file the answer with the Clerk of the Court and serve a copy of the answer on
3 petitioner.

4 (4) The answer will be treated in accordance with Local Rule LCR 7.

5 Accordingly, on the face of the answer, respondent(s) shall note it for consideration on
6 the fourth Friday after filing. Petitioner may file and serve a response not later than the
7 Monday immediately preceding the Friday designated for consideration of the matter,
8 and respondent(s) may file and serve a reply not later than the Friday designated for
9 consideration of the matter.

10 (5) Filing by Parties, Generally

11 All attorneys admitted to practice before this Court are required to file documents
12 electronically via the Court's CM/ECF system. Petitioner shall file all documents
13 electronically. All filings must indicate in the upper right hand corner the name of the
14 magistrate judge to whom the document is directed.

15 Any document filed with the Court must be accompanied by proof that it has
16 been served upon all parties that have entered a notice of appearance in the underlying
17 matter. Petitioner shall indicate the date the document is submitted for e-filing as the
18 date of service.

19 (6) Motions

20 Any request for court action shall be set forth in a motion, properly filed and
21 served. Pursuant to LCR 7(b), any argument being offered in support of a motion shall
22 be submitted as a part of the motion itself and not in a separate document. The motion

1 shall include in its caption (immediately below the title of the motion) a designation of
2 the date the motion is to be noted for consideration on the Court's motion calendar.

3 (7) Direct Communications with District Judge or Magistrate Judge

4 No direct communication is to take place with the District Judge or Magistrate
5 Judge with regard to this case. All relevant information and papers are to be directed to
6 the Clerk.

7 (8) The Clerk is directed to send copies of this Order, the Notice of Consent,
8 and of the Court's *pro se* instruction sheet to petitioner.

9 Dated this 29th day of November, 2023.

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13 Theresa L. Fricke
14 United States Magistrate Judge
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